

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff-Respondent,

v.

No. CV 16-682 JCH/GJF
CR 14-591 JCH

REYNALDO GRIEGO,

Defendant-Petitioner.


ORDER EXPANDING THE RECORD

As set forth in the briefing on Petitioner's Motion to Correct Sentence under 28 U.S.C. § 2255, this case may turn on whether one of Petitioner's prior convictions remains a "crime of violence" under U.S.S.G. § 4B1.2(a) in the wake of *Johnson v. United States*, 135 S. Ct. 2551 (2015). With respect to that particular conviction, captioned *State v. Reynaldo Griego*, D-202-CR-201302614 (2nd Judicial District Court, State of New Mexico), the Court has thus far received only the indictment from that case. *See* CV Doc. 5-1. The indictment, while helpful, is not in and of itself sufficient to permit the Court to properly conduct its analysis.

Rule 7(a) of the Rules Governing Section 2255 Proceedings permits the Court to "direct the parties to expand the record by submitting additional materials relating to the motion." Therefore, the Court **ORDERS** the parties to jointly submit (1) the plea agreement, and (2) the judgment and sentence document that were filed in that state case. Pursuant to Rule 7(c) of the Rules Governing Section 2255 Proceedings, the Court further **ORDERS** the Petitioner to affirmatively state in the joint filing whether he "admit[s] or den[ies] [the] correctness" of those two documents. The Court further **ORDERS** that the joint submission and attachments must be

filed not later than **January 20, 2017**.

IT IS SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE